<u>REMARKS</u>

Claims 1 - 28 are pending in the application. Claims 19-27 have been amended. Claims 1-28 accordingly remain pending in the application.

Claims 19-27 stood rejected under U.S.C. 101 as not being directed to statutory subject matter, particularly, for use of the term "computer readable medium". Applicant has amended these claims to refer instead to a "computer readable storage medium", and respectfully requests removal of the section 101 rejection.

Claims 1, 10, 19, and 28 stood rejected under U.S.C. 102 as being anticipated by Planas et al. (US Patent 6,112,015, "Planas"). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Planas fails to disclose **monitoring a plurality of application tiers, wherein said monitoring includes tracking one or more attributes associated with each of the application tiers**, as recited in claim 1.

In asserting that Planas discloses this feature, the Office Action cites col.2:52-54 and col.2:63-67, which respectively read:

> According to a third broad aspect, the invention provides a system for monitoring a telecommunications network consisting of a plurality of network objects...

and

> ...wherein the processing means imparts to each basic icon representative of said at least one network object at least one attribute selected from a predetermined set of possible attributes; wherein each attribute is representative of a different predetermined base state.

As may be seen, the cited text nowhere discloses or even mentions application tiers. Applicant respectfully notes that Planas is particularly directed to monitoring of network objects, which are defined in col.3:66-col.4:3:

> A telecommunications network consists of an interconnected set of network objects. There are three basic types of network objects, these being (1) network elements or nodes, (2) links, and (3) individual cards in

a piece of shelf-based equipment.

Clearly, network elements or nodes, link, and individual cards in a piece of shelf-based equipment, are not application tiers, i.e., functional groupings of servers (see, e.g., [0023]), such as web servers, Java server clusters, database servers, etc.

Moreover, the text makes clear that Planas's system is directed to attributes representative of base states of such network objects, and in no way teaches tracking attributes associated with application tiers.

Thus, Planas fails to teach or suggest this feature of claim 1.

Applicant respectfully submits that Planas fails to disclose **displaying a plurality of objects each corresponding to a respective one of the application tiers**, as recited in claim 1.

In asserting that Planas discloses this feature, the Office Action cites Figure 4a and col.2:26-28, which reads:

> ...displaying on the display for each network object a basic icon corresponding to that network object...

Similar to above, the cited text nowhere discloses or even mentions application tiers, but rather is directed to network objects, which, as mentioned above, are specifically defined by Planas as network elements or nodes, links, and individual cards in a piece of shelf-based equipment.

Moreover, the cited icons of Figure 4a are described in col.6:21-34:

> It includes a pictorial icon 40 for a workstation terminal connected with a first CNET link icon 42 to a node icon 44 and a CNET link icon 46 to another node icon 52. The node icons 44,52 are for two network elements identified as switch cross connects by the symbol 12 from FIG. 2e. Also shown are a node icon 54 for a network element identified as a transport ADM by the symbol 14 from FIG. 2e, and a symbolic node icon 56 for a coaxial node with link bundle icons 60,64 connecting these elements to node icons 44, 52 respectively. The node icon 56 for the coaxial node is an example of a symbolic node icon having a different shape.

Clearly, the icons of Figure 4a do not represent application tiers, but rather network objects such as network nodes, links, switch cross connects, transport ADM, etc.

Thus, Planas fails to teach or suggest this feature of claim 1.

Applicant respectfully submits that Planas fails to disclose **in response to detecting a change in the one or more attributes associated with a given application tier, altering the appearance of the corresponding object to reflect said change**, as recited in claim 1.

In asserting that Planas discloses this feature, the Office Action cites Figure 20 and col.8:17-25, which reads:

> Each icon representing a network object is displayed in such a manner that the three OSI states of that object can instantly be discerned. This is done by imparting an attribute and in some cases a modifier icon to the basic icon which reflects the OSI states. The preferred attributes and modifier icons imparted to the basic icon for the various state combinations are shown in FIGS. 5 and 6 for card icons and node icons. These same attributes and modifier icons are used with link icons, but these are not included in the Figures.

Similar to above, the cited text nowhere discloses or even mentions application tiers, but rather is directed to network objects, which, as mentioned above, are specifically defined by Planas as network elements or nodes, links, and individual cards in a piece of shelf-based equipment.

Moreover, the cited icons of Figure 4a are described in col.6:21-34:

> It includes a pictorial icon 40 for a workstation terminal connected with a first CNET link icon 42 to a node icon 44 and a CNET link icon 46 to another node icon 52. The node icons 44,52 are for two network elements identified as switch cross connects by the symbol 12 from FIG. 2e. Also shown are a node icon 54 for a network element identified as a transport ADM by the symbol 14 from FIG. 2e, and a symbolic node icon 56 for a coaxial node with link bundle icons 60,64 connecting these elements to node icons 44, 52 respectively. The node icon 56 for the coaxial node is an example of a symbolic node icon having a different shape.

Clearly, the icons of Figure 4a do not represent application tiers, but rather network objects such as network nodes, links, switch cross connects, transport ADM, etc., as noted above.

Thus, Planas fails to teach or suggest this feature of claim 1.

For at least the reasons provided above, Applicant respectfully submits that claim

1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Claims 10, 19, and 28 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons provided above, Applicant respectfully submits that claims 10, 19, and 28, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Removal of the section 102 rejection of claims 1, 10, 19, and 28 is requested.

Claims 2-4, 6, 7, 11-13, 15, 16, 20-22, 24, and 25 stood rejected under U.S.C. 103(a) as being unpatentable over Planas, et al in view of Enchanted Learning.

Claims 9, 18, and 27 stood rejected under U.S.C. 103(a) as being unpatentable over Planas, et al in view of McMillian, et al.

Claims 5,14, and 23 stood rejected under U.S.C. 103(a) as being unpatentable over McMillian, et al as modified by Enchanted Learning.

Claims 8, 17, and 26 stood rejected under U.S.C. 103(a) as being unpatentable over McMillian, et al as modified by Enchanted Learning.

Applicant respectfully traverses these rejections, noting that since the base claims for the dependent claims rejected under section 103(a) have been shown above to be patentably distinct and non-obvious, their respective dependent claims are similarly patentably distinct and non-obvious, and thus allowable.

Applicant thus respectfully requests removal of the section 103 rejection of the dependent claims.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-14500.

Respectfully submitted,

/Jeffrey C. Hood/
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